

UNITED STATES DISTRICT COURT

for

Eastern District of Washington

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

May 19, 2023

SEAN F. MCAVOY, CLERK

U.S.A. vs. Preston, Mark A. Docket No. 0980 2:22CR00133-TOR-16

Petition for Action on Conditions of Pretrial Release

COMES NOW Chris Heinen, PRETRIAL SERVICES OFFICER, presenting an official report upon the conduct of defendant Mark A. Preston, who was placed under pretrial release supervision by the Honorable U.S. Magistrate Judge, Alexander C. Ekstrom, sitting in the Court at Spokane, Washington, on the 28th day of September 2022, under the following conditions:

Standard Condition #8: Defendant shall refrain from use or unlawful possession of a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner in conformance with Federal law. Defendant may not use or possess marijuana, regardless of whether Defendant has been authorized medical marijuana under state law.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 30, 2022, the conditions of pretrial release supervision were reviewed with Mr. Preston. He acknowledged an understanding of his conditions, which included standard condition number 8.

Violation #1: Mr. Mark A. Preston is alleged to have violated standard condition number 8 by ingesting methamphetamine, occurring on or about April 27, 2023, based on both urinalysis testing and his admission of such use.

Specifically, on April 27, 2023, Mr. Preston reported to Pioneer Human Services in Spokane, to participate in random urinalysis testing as required and directed. Mr. Preston subsequently provided a urinalysis sample that tested presumptive positive for methamphetamine. A drug use denial form was later received in which the client signed his name denying use of any illicit substance as indicated during testing. The sample was packaged and forwarded to the lab for verification.

On May 8, 2023, the lab results specific to the aforementioned sample were received by the U.S. Probation Office, confirming the urinalysis sample submitted by Mr. Preston as positive for methamphetamine.

On May 9, 2023, scheduled home contact was conducted with Mr. Preston at his residence in Spokane. Mr. Preston again submitted to random urinalysis testing, the result of which again proved presumptive positive for methamphetamine. Mr. Preston adamantly denied use with regard to his confirmed positive test result on April 27, 2023, as well as his sample submitted as a part of his scheduled home contact. During dialogue, a drug use admission form was completed by the undersigned officer and presented to the client, following which Mr. Preston hesitated and refused to sign it, indicating that he ultimately wanted to be honest with this officer, indicating that he had in fact used methamphetamine as previously occurring on or about April 27, 2023. Mr. Preston stated that on the day in question, he had run into an old acquaintance on the street and been invited back to his residence to view his newly secured apartment. Mr. Preston indicated that upon arrival, the acquaintance, as well as several women who were present, began using methamphetamine, and that as a result he himself ultimately relapsed. Mr. Preston indicated that he has not used the substance since, and reaffirmed that his urinalysis test submitted on the day in question would absolutely return negative.

Mr. Preston was advised that should the urinalysis test again return as positive, this would be indicative of new use and that Court action would be requested, to which he stated his understanding. Mr. Preston's alleged violation as outlined would constitute his first violation since his successful completion of inpatient treatment as previously occurring on February 16, 2023.

Re: Preston, Mark A.

May 17, 2023

Page 2

PRAYING THAT THE COURT WILL ORDER NO ACTION AT THIS TIME

I declare under the penalty of perjury
that the foregoing is true and correct.

Executed on: May 17, 2023

by s/Chris Heinen

Chris Heinen
U.S. Pretrial Services Officer

THE COURT ORDERS

- ☒ No Action
☐ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ The incorporation of the violation(s) contained in this
petition with the other violations pending before the
Court.
☐ Defendant to appear before the Judge assigned to the case.
☐ Defendant to appear before the Magistrate Judge.
☐ Other



Signature of Judicial Officer

5/19/23

Date